

**To:** E. Russell Tarleton([USTM.docketing@SeedIP.com](mailto:USTM.docketing@SeedIP.com))  
**Subject:** U.S. Trademark Application Serial No. 88683955 - LATITUDE HOUSE OF COFFEE - 860246.201  
**Sent:** June 16, 2023 02:50:03 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No. 88683955**

**Mark:** LATITUDE HOUSE OF COFFEE

**Correspondence Address:**

E. Russell Tarleton  
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SUITE 5400  
SEATTLE WA 98104  
UNITED STATES

**Applicant:** Smart Choice Brands Inc.

**Reference/Docket No.** 860246.201

**Correspondence Email Address:** USTM.docketing@SeedIP.com

## NONFINAL OFFICE ACTION

**Response deadline.** File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

**Request an extension.** For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

**Issue date:** June 16, 2023

On July 20, 2020, action on this application was suspended pending the disposition of U.S. Application Serial No. 88611548. The referenced pending application has abandoned and is no longer a potential bar to the registration of applicant’s mark.

In a previous Office action(s) dated February 22, 2020, the trademark examining attorney refused in part registration of the applied-for mark based on the following: Trademark Act Section 2(d) for a likelihood of confusion with a registered mark for Classes 11, 30, 40 and 43. In addition, applicant was required to satisfy the following requirement(s): amend the identification of goods and/or services and disclaim descriptive wording in the mark.

Based on applicant’s response, the trademark examining attorney notes that the following requirement(s) have been satisfied: definite amendment to the identification of goods and services . *See* TMEP §§713.02, 714.04.

In addition, the disclaimer requirement has been withdrawn for Classes 16 and 25 only. *See* TMEP §§713.02, 714.04.

The assigned trademark examining attorney also wishes to correct the record by addressing an issue inadvertently omitted from the previous Office action. *See* TMEP §§706, 711.02. The Section 2(d)

likelihood of confusion refusal was previously issued for Classes 11, 30, 40 and 43, but the refusal should have also been issued for Class 21 as well. The trademark examining attorney apologizes for any inconvenience caused by the delay in raising this issue.

Applicant must address the issues raised in this Office action, in addition to the ones raised in the previous Office action.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- NEW ISSUE - Partial Refusal: Section 2(d) Likelihood of Confusion
- Partial Requirement: Disclaimer Statement

## **PARTIAL SECTION 2(d) REFUSAL - LIKELIHOOD OF CONFUSION**

THIS PARTIAL REFUSAL APPLIES TO CLASSES 11, 21, 30, 40, and 43 ONLY.

Registration of the applied-for mark 88683955 is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 4913826, 4332397, and 5891663. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the previously enclosed registrations.

Applicant's previous arguments were carefully considered, but were not found to be persuasive.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

## **Comparison of the Marks**

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Profls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

Applicant's mark is LATITUDE HOUSE OF COFFEE in standard characters.

Registrant's mark in Reg. No. 4913826 is LATITUDES in standard characters.

Registrant's mark in Reg. No. 4332397 is LATITUDE ATTITUDE in standard characters.

Registrant's mark in Reg. No. 5891663 is CAFE LATITUD CLASICO in design form.

In the present case, the applicant's mark is highly similar to the registered mark in sound, appearance, and overall commercial impression. Specifically, applicant's mark and the registered marks all contain the wording "LATITUDE" or a form thereof. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

In the case of Reg. No. 4913826, the registered mark LATITUDES contains a plural form of the shared term in applicant's mark, "LATITUDE". An applied-for mark that is the singular or plural form of a registered mark is essentially identical in sound, appearance, meaning, and commercial impression, and thus the marks are confusingly similar. *Swiss Grill Ltd., v. Wolf Steel Ltd.*, 115 USPQ2d 2001, 2011 n.17 (TTAB 2015) (holding "it is obvious that the virtually identical marks [the singular and plural of SWISS GRILL] are confusingly similar"); *Weider Publ'ns, LLC v. D & D Beauty Care Co.*, 109 USPQ2d 1347, 1355 (TTAB 2014) (finding the singular and plural forms of SHAPE to be essentially the same mark) (citing *Wilson v. Delaunay*, 245 F.2d 877, 878, 114 USPQ 339, 341 (C.C.P.A. 1957) (finding no material difference between the singular and plural forms of ZOMBIE such that the marks were considered the same mark)).

In the case of Reg. No. 5891663, the wording "LATITUDE" in applicant's mark and "LATITUD" in the registered mark are foreign equivalents. Under the doctrine of foreign equivalents, a mark in a common, modern foreign language and a mark that is its English equivalent may be held confusingly similar. TMEP §1207.01(b)(vi); *see, e.g., In re Aquamar, Inc.*, 115 USPQ2d 1122, 1127-28 (TTAB 2015); *In re Thomas*, 79 USPQ2d 1021, 1025 (TTAB 2006). Consequently, marks comprised of foreign wording are translated into English to determine similarity in meaning and connotation with English word marks. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). Equivalence in meaning and connotation may be sufficient to find such marks confusingly similar. *See In re Aquamar, Inc.*, 115 USPQ2d at 1127-28; *In re Thomas*, 79 USPQ2d at 1025.

The registrant's mark is in Spanish, which is a common, modern language in the United States. *See Ricardo Media, Inc. v. Inventive Software, LLC*, 2019 USPQ2d 311355 (TTAB 2019) (Spanish). The doctrine is applied when "the ordinary American purchaser" would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696 (quoting *In re Pan Tex Hotel Corp.*, 190 USPQ 109, 110 (TTAB 1976)); TMEP §1207.01(b)(vi)(A). The ordinary American purchaser includes those proficient in the foreign

language. *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Thomas*, 79 USPQ2d at 1024. In this case, the ordinary American purchaser would likely stop and translate the mark because the Spanish language is a common, modern language spoken by an appreciable number of consumers in the United States.

Furthermore, the shared portion, "LATITUDE", is the most dominant portion of the applicant's mark, as it is the initial portion and the remainder of the mark is descriptive. Similarly, in Reg. No. 4332397, the shared portion "LATITUDE" is dominant, as it is the initial portion; in Reg. No. 5891663, the term "LATITUD", the foreign equivalent of "LATITUDE", is dominant as the remainder of the mark is disclaimed as descriptive. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because "consumers must first notice th[e] identical lead word"); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first").

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). Matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant in relation to other wording in a mark. *See Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015) (citing *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004)).

In the present case, the attached evidence shows that the wording "HOUSE OF COFFEE" in the applied-for mark is merely descriptive of or generic for applicant's goods and/or services. Thus, this wording is less significant in terms of affecting the mark's commercial impression, and renders the wording "LATITUDE" the more dominant element of the mark.

Finally, although the mark in Reg. No. 5891663 contains design elements, this does not distinguish the marks as the word portion is the dominant element of the mark. When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Aquitaine Wine USA, LLC*, 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterro Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Therefore, the applicant's mark is highly similar to the registered mark in sound, appearance, and overall commercial impression. Accordingly, the marks are considered to be confusingly similar.

## **Comparison of the Goods/Services**

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods and/or services need only be "related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Applicant's relevant identified goods and services, as amended are: "*Coffee brewing equipment, namely, electric coffee percolators, electric coffee makers, electric espresso and cappuccino makers*" in Class 11, "*Cups, mugs, travel mugs; Coffee brewing equipment, namely, non-electric coffee grinders, non-electric coffee mills, non-electric coffee percolators, non-electric coffee makers, non-electric espresso and cappuccino makers*" in Class 21, "*Fire roasted ground and whole bean coffee and varietal coffees, coffee blends in the nature of roasted coffee beans, espresso, non-alcoholic coffee and espresso based beverages*" in Class 30, "*Coffee roasting and processing services for wholesale, retail, and online sales*" in Class 40, and "*Operation of chain retail coffee and tea bars; coffee shops; restaurant services*" in Class 43.

Registrant's identified services in Reg. No. 4913826 are: "*Restaurant and bar services*" in Class 43.

Registrant's identified goods in Reg. No. 4332397 are: "*ground coffee*" in Class 30.

Registrant's identified goods in Reg. No. 5891663 are: "*coffee, coffee grains being coffee beans, coffee grains being coffee grounds, coffee grains being grain-based coffee substitutes, roasted coffee, unroasted coffee, instant coffee, iced coffee, coffee extracts, coffee pods, coffee based drinks, aromatic coffee, coffee substitutes, coffee-based refreshments in the nature of ices, coffee-based refreshments in the nature of iced beverages*" in Class 30.

Determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

In this case, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)).

Additionally, the registration uses broad wording to describe "*Restaurant and bar services*", which presumably encompasses all goods and/or services of the type described, including applicant's more

narrow "Operation of chain retail coffee and tea bars; coffee shops; restaurant services". Additionally, registrant's broad "coffee, coffee grains being coffee beans, coffee grains being coffee grounds, coffee grains being grain-based coffee substitutes, roasted coffee, unroasted coffee, instant coffee, iced coffee, coffee extracts, coffee pods, coffee based drinks, aromatic coffee, coffee substitutes, coffee-based refreshments in the nature of ices, coffee-based refreshments in the nature of iced beverages" presumably encompasses all goods and/or services of the type described, including applicant's more narrow "Fire roasted ground and whole bean coffee and varietal coffees, coffee blends, espresso, non-alcoholic coffee and espresso based beverages". See, e.g., *In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's goods and/or services are legally identical. See, e.g., *In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the previously attached Internet evidence consisting of third party websites shows that entities that provide and sell coffee products or coffee bar or restaurant services also provide and sell coffee brewing products or coffee processing services under the same mark; furthermore, the attached evidence shows that entities that provide and sell coffee also provide and sell cups, mugs, and coffee brewing equipment together under the same mark. See attached and previously attached evidence.

This evidence establishes that the same entity commonly manufactures, produces, or provides the relevant goods and/or services and markets the goods and/or services under the same mark, and that the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use, and that these goods have complimentary use. Thus, applicant's and registrant's goods and services are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Because the marks are highly similar and the goods and/or services are closely related, a likelihood of confusion exists and registration is refused.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

### **DISCLAIMER STATEMENT REQUIRED**

THIS PARTIAL REQUIREMENT APPLIES TO CLASSES 11, 21, 30, 40, and 43 ONLY.

Applicant must disclaim the wording "HOUSE OF COFFEE" because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. See 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a). A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

In this case, applicant must disclaim the wording "HOUSE OF COFFEE" because it is not inherently distinctive. The attached evidence shows this wording is commonly used in connection with similar goods and/or services to refer to a restaurant or shop that serves coffee, or goods that originate from such a place. Thus, the wording merely describes applicant's goods and/or services because applicant's goods are as coffee products and coffee bar services

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use "HOUSE OF COFFEE" apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

### **RESPONSE GUIDELINES AND PARTIAL ABANDONMENT ADVISORY**

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

If applicant does not timely respond to this Office action, the following classes will be deleted from the application:

Classes 11, 21, 30, 40, and 43.

*See* 37 C.F.R. §2.65(a); TMEP §718.02(a).

In such case, the application will then proceed with the following classes only:

Classes 16 and 25

*See* TMEP §718.02(a).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.



**How to respond.** File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

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## RESPONSE GUIDANCE





- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov).
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

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Choose a medium grind with uniformity and consistency throughout. Very coarse grinds may clog the filter, while very fine grinds will pass through the filter, muddying the results.

Choose the right tools for making a perfect French Press coffee. Press like a pro with our selection of [French Press Coffee Makers](#) & [Illy Ground Drip Coffee](#), ground to the perfect coarseness to press like the best.

One of the most popular french press coffee makers is the [Bodum® Chambord French Press](#), known to make cafe quality coffee in the comfort of your home.

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2:39:06 PM 6/16/2023

Aa



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Illy Logo Mugs (Set of 4)

Rating ★★★★★

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ADD TO BAG



8.8oz Can  
Ground Drip Classico Coffee -  
Medium Roast

8.8oz  
Rating ★★★★★

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ADD TO BAG



3-8 Cup French Press  
Bodum® Chambord

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## BREWED COFFEE

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- All Coffee
- Whole Bean
- IperEspresso & Coffee Capsules
- Espresso and Moka Coffee
- Brewed Drip Coffee**
- Compatible Espresso Capsules
- Illy® K-Cup® Pods
- ESE Pods
- Illy Ready to Drink
- Iper Coffee Capsules
- Specially Curated Bundled Sets

**Complimentary Shipping**

On All Orders \$50+

**Save \$1 Per Coffee**

\*Exclusions Apply

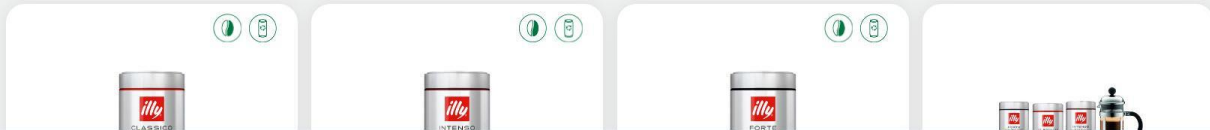
When You Buy 6 Cans of the Same Type

### Brewed Drip Coffee

8 Products

FILTER BY

SORT BY




Aa

Ground Brewed Coffee & Pour

il.ly.com/en-us/coffee/drip-coffee

ILLY LOVERS  
Discover the loyalty program




Search

User

Cart

Menu




★★★★★

8.8oz

Ground Drip Classic Coffee - Medium Roast

\$ 14.99

+




★★★★★

8.8oz

Ground Drip Intenso Coffee - Dark Roast

\$ 14.99

+




★★★★★

8.8oz

Ground Drip Forte Coffee - Extra Bold Roast

\$ 14.99

+




★★★★★

French Press Signature Blend Bundle

~~\$ 80.00~~  
\$ 70.00

+




★★★★★

95g

Ground Classic Instant Coffee - Medium Roast

\$ 12.00




★★★★★

95g

Ground Intenso Instant Coffee - Dark Roast


\$ 12.00



★★★★★

illy On-the-Go Bundle

~~\$ 70.00~~  
\$ 65.00



★★★★★

illy Brewed Essentials Bundle

~~\$ 65.00~~  
\$ 55.00

Aa

2:39:30 PM 6/16/2023

Coffee Cups, Mugs and Glassware

il.ly.com/en-us/illy-art-collection-coffee-cups/coffee-travel-mug-cups

Kick Off Summer: Save \$20 on Every \$100  
Cool down with our coffee favorites.

il.ly

Certified B

Search

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Menu

All Accessories

il.ly Art Collection

Cups & Glassware

Complimentary Shipping

On All Orders \$50+

Save \$1 Per Coffee

\*Exclusions Apply


When You Buy 6 Cans of the Same Type

Cups & Glassware

20 Products


FILTER BY

SORT BY




★★★★★  
il.ly Logo Mugs Set of 2

\$24.00




★★★★★  
il.ly KeepCup Travel Mug - Glass 12oz

\$30.00



★★★★★  
il.ly Logo Cappuccino Cups Set of 2

\$20.00



★★★★★  
il.ly Logo Mug



\$12.00





2:39:48 PM 6/16/2023















Coffee Cups, Mugs and Glassware

illy.com/en-us/illy-art-collection-coffee-cups/coffee-travel-mug-cups

ILLY LOVERS  
Discover the loyalty program







 <p>★★★★★ illy Logo Mugs Set of 2</p> <p>\$ 24.00</p> 	 <p>★★★★★ illy KeepCup Travel Mug - Glass 12oz</p> <p>\$ 30.00</p> 	 <p>★★★★★ illy Logo Cappuccino Cups Set of 2</p> <p>\$ 20.00</p> 	 <p>★★★★★ illy Logo Mug</p> <p>\$ 12.00</p> 
 <p>★★★★★ illy Logo Espresso Cup</p> <p>\$ 8.00</p>	 <p>★★★★★ Busy School Days K-Cup Sampler Bundle</p> <p><del>\$ 97.00</del> \$ 80.00</p> 	 <p>★★★★★ Bodum® Bistro Café Latte Cup</p> <p>\$ 40.00</p>	 <p>★★★★★ illy Logo Cappuccino Cups</p> <p>\$ 10.00</p> 





2:39:51 PM 6/16/2023


Coffee Cups, Mugs and Glassware

illy.com/en-us/illy-art-collection-coffee-cups/coffee-travel-mug-cups

ILLY LOVERS  
Discover the loyalty program









★★★★★  
Beautiful Taste Inspirations Recipe Bundle


~~\$ 75.00~~  
**\$ 65.00**






★★★★★  
illy Logo Cappuccino Cups (Set of 4)


**\$ 40.00**






★★★★★  
illy On-the-Go Bundle


~~\$ 79.00~~  
**\$ 65.00**






★★★★★  
illy logo Marocchino Glass (Set of 2)


**\$ 12.50**






★★★★★  
Live HAPPilly KeepCup - White


**\$ 15.00**






★★★★★  
illy Logo Mugs (Set of 4)


**\$ 48.00**






★★★★★  
Alessi for illy Travel Mug


**\$ 50.00**





illy Logo Paper Cups - 8 oz.

**\$ 7.50**



2:39:56 PM 6/16/2023



Aa







Coffee Makers & Italian Coffee

il.ly.com/en-us/coffee-machines/coffee-makers


ILLY LOVERS  
Discover the loyalty program








Coffee Machines > Coffee Makers


COFFEE MAKERS





























All Machines

Espresso Machines

Multi Beverage Machines

Coffee Makers

Moka Pots

Coffee Grinders

E.S.E. Pod Machines

IperEspresso Capsule Machines

Machine Cleaners

Specially Curated Machine Bundles

Spare Parts

Complimentary Shipping

On All Orders \$50+

Save \$1 Per Coffee

\*Exclusions Apply


When You Buy 6 Cans of the Same Type


Coffee Makers

10 Products


FILTER BY

SORT BY






Last Chance Item



Last Chance Item



2:40:12 PM 6/16/2023

Coffee Makers & Italian Coffee

Free Shipping  
On All Orders \$50+

il.ly


Get it first

Search

Account

Cart


Menu



★★★★★  
Bodum® Chambord

\$ 40.00


+



★★★★★  
French Press - Bodum® Chambord 3  
Cups

\$ 30.00


+



★★★★★  
Bodum® Eileen French Press

\$ 40.00


+



★★★★★  
Bodum® Brazil Red French Press


~~\$25.00~~  
\$ 20.00

+




★★★★★  
Chemex Filters - Pre-Folded Square  
Coffee Filters

\$ 8.50




★★★★★  
Espresso & Coffee Machine - Y3.3  
iperEspresso

\$ 149.00



★★★★★  
Cold Brew Coffee Maker - Toddy Cold  
Brew System

\$ 40.00



★★★★★  
French Press - Frieling® Ultimo 3 Cups

\$ 69.99



Aa





2:40:16 PM 6/16/2023

Coffee Makers & Italian Coffee


il.ly.com/en-us/coffee-machines/coffee-makers

Kick Off Summer: Save \$20 on Every \$100  
Cool down with our coffee favorites.







\$ 8.50

NOTIFY ME


\$ 149.00




\$ 40.00




\$ 69.99






★★★★★  
French Press ESPRO® - 32 oz.


\$ 149.95






★★★★★  
French Press ESPRO® - 18 oz.

\$ 119.95



French Press and Pour Over Coffee Makers

When the sun is shining, brew coffee makers for coffee lovers here in Espresso and hand sell over the world.



2:40:21 PM 6/16/2023

Ground Coffee for Espresso, Moka

lavazzausa.com/en/roast-and-ground-coffee

LAVAZZA WORLD MACHINE REGISTRATION

Lavazza for your

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SUSTAINABILITY

Lavazza Ground is the ideal coffee solution. Enjoy the intense aroma of Moka and Filter preparations or the enveloping cream of Espresso. This coffee range is the..

SHOW MORE

COLLECTION

FORMAT

INTENSITY

PACK SIZE

BLEND

AROMATIC NOTES

PREPARATION

Sort by Suggested

¡Tierra!

Good things come from the earth

¡Tierra! blends bring together the very best from their highly select sources in a single cup. They are products that have received the highest certifications in organic and sustainable circles.

EXPLORE THE COLLECTION

Promotion

GROUND COFFEE

Espresso Italiano Ground Coffee

Intensity 5/10

~~\$7.75~~

\$6.20

\$0.78/oz

8 oz

—

1

+

Promotion

GROUND COFFEE

Classico Ground Coffee

Intensity 5/10

~~\$15.45~~

\$12.36

\$0.62/oz

20 oz

—

1

+

2:40:42 PM 6/16/2023





PRODUCTS

SUBSCRIPTIONS

LAVAZZA STORIES

SUSTAINABILITY



Promotion



-20%

GROUND COFFEE

**iTierra! for Amazonia  
Ground Coffee**

Intensity 5/10

~~\$12.70~~

**\$10.16** \$0.97/oz

10.5  
oz



1



ADD TO CART

Promotion



-20%

GROUND COFFEE

**iTierra! Organic Ground  
Coffee**

Intensity 6/10

~~\$14.35~~

**\$11.48** \$0.96/oz

12  
oz



1



ADD TO CART

Promotion



-20%

GROUND COFFEE

**Qualità Oro Ground Coffee**

Intensity 5/10

~~\$9.95~~

**\$7.96** \$0.90/oz

8.8  
oz



1



ADD TO CART

Promotion



-20%

GROUND COFFEE

**Espresso Italiano Decaf  
Ground**

Intensity 3/10

~~\$11.05~~

**\$8.84** \$1.10/oz

8 oz



1



ADD TO CART



Ground Coffee for Espresso, Mol

lavazzausa.com/en/roast-and-ground-coffee

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Promotion



-20%

GROUND COFFEE

**Crema e Gusto Ground Coffee**

Intensity 7/10

~~\$7.20~~

**\$5.76** \$0.65/oz

8.8 oz


-

1

+

ADD TO CART

Promotion



-20%

GROUND COFFEE

**Qualità Rossa Ground Coffee**

Intensity 5/10

~~\$7.20~~

**\$5.76** \$0.65/oz

8.8 oz


-

1

+

ADD TO CART

Promotion



-20%

GROUND COFFEE

**Premium House Blend**

Intensity 4/10

~~\$9.95~~

**\$7.96** \$0.80/oz

10 oz


-

1

+

ADD TO CART

Promotion



-20%

GROUND COFFEE

**Top Class Ground Coffee**

~~\$9.82~~

**\$7.86** \$0.98/oz

8 oz

-

1

+

ADD TO CART

2:40:54 PM 6/16/2023



PRODUCTS

SUBSCRIPTIONS

LAVAZZA STORIES

SUSTAINABILITY



## Whole Bean

*Top quality for coffee lovers*

Lavazza Whole Bean are the format dedicated to coffee lovers who want to enjoy freshly ground coffee. Experience grinding your favorite blend at home....

SHOW MORE



COLLECTION ▾ FORMAT ▾ INTENSITY ▾ PACK SIZE ▾ BLEND ▾ AROMATIC NOTES ▾ PREPARATION ▾ ROAST ▾ Sort by Suggested

Espresso

### From the Master of Espresso to you

Live the most authentic Italian espresso experience: beans are selected and crafted to deliver a real Espresso taste experience, to be enjoyed in all preparation.



Promotion



-20%

WHOLE BEAN

Super Crema Whole Bean

Promotion



-20%

WHOLE BEAN

Espresso Italiano Whole Bean







Mugs | Lavazza

lavazzausa.com/en/mugs

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Lavazza for your

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PRODUCTS

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LAVAZZA STORIES

SUSTAINABILITY




# Lavazza Coffee Mugs

*Every coffee, a new journey*

Discover the Lavazza Collection Mugs: every cup of coffee is a new journey to share with whomever you want. A good cup of coffee starts with a special mug....


SHOW MORE



CATEGORY ▾

COLOR ▾


Sort by Suggested



MUGS

**Thermal Travel Mug by Bodum**

**\$26.25**



MUGS


**Blue Ribbon Collection Mug**

**\$17.35**

*Espresso*

**From the Master of Espresso to you**

Live the most authentic Italian espresso experience: beans are selected and crafted to deliver a real Espresso taste experience, to be enjoyed in all preparation methods, as Italians do.



2:41:23 PM 6/16/2023





PRODUCTS

SUBSCRIPTIONS

LAVAZZA STORIES

SUSTAINABILITY

SEARCH

CART

ACCOUNT



# Capsule Coffee Machines

*The Lavazza experience in capsules*

Lavazza capsule coffee machines represent the evolution of the best technology, offering you a traditional and authentic coffee experience that is both practical...

SHOW MORE



CATEGORY PREPARATION COLOR

Sort by Suggested

Promotion



-45%

CAPSULE COFFEE MACHINES

Classy Plus



CAPSULE COFFEE MACHINES

Classy Mini



CAPSULE COFFEE MACHINES

Classy Pro



CAPSULE COFFEE MACHINES

Setek Fridge for



Capsule Coffee Machines | Lavazza

lavazzausa.com/en/coffee-machines

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SUSTAINABILITY


CATEGORY

PREPARATION

COLOR

Sort by Suggested

Promotion



-45%

CAPSULE COFFEE MACHINES

Classy Plus


~~\$271.95~~  
\$149.99

-

1

+

ADD TO CART



CAPSULE COFFEE MACHINES

Classy Mini


\$150.00

-

1

+

ADD TO CART



CAPSULE COFFEE MACHINES

Classy Pro

\$1,100.00


-

1

+

NOTIFY ME

This product is not available at the moment. Register your email to be notified when back in stock.



CAPSULE COFFEE MACHINES

Setek Fridge for Lavazza Classy Pro

\$324.64

-

1

+

ADD TO CART

2:41:46 PM 6/16/2023

Peet's Coffee

FREE SHIPPING COFFEE SHOP OFFERS COFFEEBARS LEARN

Log In Search Location Cart

Never see the bottom of a cup again.



EXCLUSIVE COFFEES

20 Results

Subscriber Exclusive

Subscription Only

Subscription Only



GET 10% OFF

Help

EXCLUSIVE COFFEES

20 Results

☆ Subscriber Exclusive

🔄 Subscription Only

🔄 Subscription Only



SUMATRA BATAK  
Sweet Tobacco, Teakwood, Treacle

\$21.95 / LB ★★★★★



SMALL BATCH SERIES

\$21.95 ★★★★★



SEASONAL ESSENTIALS SERIES

\$22.95 ★★★★★



SULAWESI-KALOSI  
Teak, Crushed Spice, Marzipan

\$19.95 / LB ★

GET 10% OFF ✕

SHOP BY ROAST

30 Results

Help

Peet's Coffee

FREE SHIPPING   COFFEE   SHOP   OFFERS   COFFEEBARS   LEARN

Log in    



MAJOR DICKASON'S BLEND®  
Earth, Spice, Everything

\$18.95 / LB   ★★★★★



ZENITH SUMMER BLEND  
Caramel, Cocoa, Honeysuckle Aromatics

\$22.95 / LB   ★★★★★



FRENCH ROAST  
Dark Chocolate, Smoke, Burnt Sugar

\$18.95 / LB   ★★★★★



ESPRESSO FORTE®  
Chocolate Truffle, Lemon Curd

\$18.95 / LB   ★

FLAVORED COFFEE & K-CUP® PODS

9 Results

★ New



★ New



★ New



Help

GET 10% OFF ✕



# GEAR

We dedicate ourselves daily to the craft of creating exceptional cups. And—like the best ingredients—tools for at-home brewing can help to elevate every sip.



GET 10% OFF ✕

GEAR

22 Results

Help

SORT: RECOMMENDED ▾

★ New



NO WEAK COFFEE MUG

\$24.95



★ New



PEET'S BLUE P-CUP HAT

\$19.95



GET 10% OFF ✕

💬 Help



MIIR GOLD SPECKLE TUMBLER - 16OZ

\$24.95



"MUG JUMPER" COFFEE MUG

\$19.95

GET 10% OFF

Help



PEET'S 1966 MUG - BLACK

\$24.95



YOU GOT THIS MIIR CAMP MUG - YELLOW

\$29.95



GET 10% OFF X

Help



BODUM CHAMBORD PRESS

\$30.95 - \$40.95



CHEMEX 8 CUP COFFEEMAKER WITH P CUP

\$99.95



GET 10% OFF X

Help

Out of Stock



PAIR OF ESPRESSO CUPS

\$39.95



Out of Stock



KINTO POUR OVER BREWER

\$39.95



GET 10% OFF

Out of Stock

Out of Stock

Help



LOGIN

JOIN CARIBOU PERKS®

Pre-Ground

\$15.99

RTD

Signature

Single Origin

Subscriptions

ADD TO CART

ADD TO CART

ADD TO CART

Drinkware

Cold Cups

Mugs

Tumblers

Faribault Woolen Mill

Gift Cards

Sale

Tea

Treats



Sun Shades Tumbler-  
Sunrise

\$19.99

ADD TO CART



Vacation Vibes Cold Drink  
Cup 20oz w/Straw - Salmon

\$15.99

ADD TO CART



Vacation Vibes Cold Drink  
Cup 20oz w/Straw - Yellow

\$15.99

ADD TO CART







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JOIN CARIBOU PERKS®

Shop » Drinkware » Mugs

Apparel

Headwear

Outerwear

Shirts

Coffee

Beans

Dark Roast

Decaf Coffee

Discovery

Flavored

K-Cup® Pods

Light Roast

Medium Roast

Pre-Ground

RTD

Signature

Single Origin

Sort by newest



Picnic Plaid Ceramic Mug -  
Purple

\$12.99

ADD TO CART



Picnic Plaid Ceramic Mug -  
Royal

\$12.99

ADD TO CART



Love is in the Mug

\$12.99

ADD TO CAR



- Apparel
  - Headwear
  - Outerwear
  - Shirts
- Coffee
  - Beans
  - Dark Roast
  - Decaf Coffee
  - Discovery
  - Flavored
  - K-Cup® Pods
  - Light Roast
  - Medium Roast
  - Pre-Ground
  - RTD
  - Signature
  - Single Origin
  - Subscriptions
- Drinkware
  - Cold Cups

Sort by newest ▼



Rwanda Isimbi Whole Bean Coffee

\$12.99

ADD TO CART



Sumatra Lintong Region

\$16.99

SELECT OPTIONS



Colombia Huila Region

\$8.99 – \$16.99

SELECT OPTIONS



## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on June 16, 2023 for  
**U.S. Trademark Application Serial No. 88683955**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.